IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.24957 of 1997

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Dated: January 24, 2007

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Between:

Jonnalagadda Laxmamma, W/o. Daka Reddy,
Aged 44 years, Agriculture, R/o. Garekuntapalem
H/o. Kannekal village, Nidmanoor Mandal, Nalgonda
District, and others.

… Petitioners

And

Govt. of A.P., rep. by its Secretary, Revenue
Department, Secretariat, Hyderabad, and others.

… Respondents

Order:

Petitioners have filed this Writ Petition seeking Mandamus to direct respondents neither to interfere with their property nor to dig any canal therein without following due process of law.

2. Petitioners, four in number, claim to be the absolute owners and possessors of land admeasuring Ac.0.30 guntas, Ac.1.00 guntas,

Ac.0.20 guntas, Ac.2.00 guntas and Ac.2.00 guntas in Sy.Nos.259, 581, 580 591 respectively in Garekuntapalem, Hamlet of Kannekal village, Nidmanoor Mandal, Nalgonda District. It is stated that in the said village, there is a tank known as 'Peddacheruvu', also called 'Reddycheruvu' and also a canal known as 'Ragikuntakatte Gandi', which is a drain canal. The case of the petitioners is that in the work undertaken under 'Janmabhoomi Programme', a deep cut canal is sought be laid from the said drain to the tank across the lands of the petitioners. It is alleged that respondents are taking steps to lay the said canal through the lands of the petitioners, without acquiring them by following due process of law, which, if allowed to be done, would deprive them of their lands.

3. Respondents have filed counter affidavit, generally, denying the allegations of the petitioners. It is stated the District Collector has sanctioned the work of digging a canal over a length of 700 meters from Ragikunta to Reddycheruvu, in the second round of 'Janmabhoomi Programme'. The allegations of petitioners have been contraverted by the respondents in their counter affidavit stating that the digging of the aforesaid canal does not in any way affect the rights of petitioners and none of the patta lands of petitioners have been utilized for the said purpose.

4. Respondents have averred in the counter affidavit that no land of the petitioners, as alleged by them, is being utilized for the purpose of digging the said canal. In view of the same, the allegations of petitioners that their lands are being affected in the process of digging the said canal cannot be sustained. The Writ Petition appears to have been filed only based on a misapprehension.

5. I do not find any merit in the Writ Petition and it is accordingly

dismissed. No costs.

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JUSTICE R. SUBHASH REDDY.

January 24, 2007
MRR